

February 14, 2005
Seven o'clock P.M.
Council Chambers, City Hall
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council scheduled for Monday, February 14, 2005, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0).

The invocation was given by Alderman Witcher, followed by the pledge of allegiance to the flag which was led by Alderman Hight.

On the motion of Alderman Witcher and seconded by Alderman Berry, and by consent of all members present, the minutes from a regular council meeting held on Monday, January 24, 2005, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, communications #1, 2, 3, 4, 5, 7, and 8 were not read, but accepted and filed (8/0).

1. Sharon Tedford, Mayor's Office memorandum re: application for Private Club and Beer permit, change of manager from Kenneth Brown to Philip F. Patten; transfer location from 1021 Jessie Road, Unit Q, Little Rock (inactive status) to 415 Main, NLR, change of trade name from Bootleggers to Sidetracks, requested by Philip Patten.
2. Sharon Tedford, Mayor's Office memorandum re: application for a Restaurant Mixed Drink and Sunday permit by Eric Biendenbender, change of manager for Tia's, 4305 Warden Road.
3. Sharon Tedford, Mayor's Office memorandum re: application for new Restaurant Mixed Drink permit for Firefall Grille & Bar, 2513 McCain Blvd, by Gordon Gene Gondek.
4. Sharon Tedford, Mayor's Office memorandum re: application for Restaurant Mixed Drink and Sunday permit, change of manager from David Tucker (deceased) to Marvin D. Johnson, Red Lobster, 3707 McCain Boulevard.
5. Sharon Tedford, Mayor's Office memorandum re: application for replacement Retail Beer Off Premise license for Superstop, 4601 North Hills Boulevard, change of manager from Jimmy White to Mark W. Stevens.
7. Sharon Tedford, Mayor's Office memorandum re: application for Restaurant Mixed Drink and Sunday permit for Lone Star Steakhouse & Saloon, 3629 McCain Boulevard by Brian L. McBroom.
8. Bob Sisson, Finance Director memorandum and copy of the December 31, 2003 Audit of the City of North Little Rock.

On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, communication #6 was read by title only, accepted and filed (8/0).

6. Mayor Hays letter to City Council re: resignation of Lee Shaw, Director of Emergency Services, effective April 4, 2005, and intent to hire Mr. Rick Ezell, effective March 5, 2005 (salary \$52,000.00 per year).

Mayor Hays invited Mrs. Shaw to come forward and expressed the City's respect for her and appreciation for her service to the City of North Little Rock for the past 31 years. Mrs. Shaw said it had been a privilege and appreciated the opportunity. Mrs. Shaw introduced Mr. Ezell who worked for Pulaski County Emergency Management. His background includes dealing with disasters and related exercises, grants and operations. Mr. Bud Gray will be working with the 911 center to help with the transition. Mrs. Shaw is relocating to Dallas, Texas with her husband. Mr. Ezell said it will be a privilege working for the City of North Little Rock. Mr. Ezell introduced his wife Reba.

Mayor Hays advised the City Council meeting was being broadcast live on the Worldwide Web and could be seen at www.nlrelectric.com/citycouncil.htm and encouraged people to visit the website. Viewers will have to have a Windows media format to be able to access the meeting.

Mayor Hays asked Mr. Robert Voyles, Planning Director to come forward. Mr. Voyles presented a Powerpoint Presentation regarding proposed ordinance O-05-06 which summarized changes to the existing Zoning Ordinance. Zoning protects pride and property rights. Questions were asked regarding territorial zoning beyond the city limits. A public hearing will be held on Monday, February 28, 2005, at 7:05 p.m., at which time council members will address the proposal and amendments thereto. Alderman Gipson said he would address parking heavy equipment in residential areas, setting up repair shops in C3 zones, and the definition of a used car lot, architectural fencing and front and side yards, and the production (processing) of honey in a C3 zone. Mayor Hays asked council members to work with the City Attorney's Office to have amendments in a written form for the next City Council meeting. At the following meeting, the full ordinance will be considered. Alderman Gipson asked for clarification in the proposal regarding "The Sign Board" aka the Board of Adjustment and Appeals. O-05-06 was then read a 2nd time and held.

UNFINISHED BUSINESS

O-05-05

AN ORDINANCE REPEALING ORDINANCE NO. 5829 AND ALL AMENDMENTS THERETO; ADOPTING ADMINISTRATIVE PERSONNEL POLICIES AND PROCEDURES FOR DEPARTMENTS EMPLOYING NON-UNIFORMED EMPLOYEES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on January 24, 2005, and held, was read a second time this date and held at the request of the sponsor, Mayor Hays. Mr. Bob Sisson, Finance Director advised the city has been working on the policy manual for a while. Department heads have reviewed the proposed manual and expressed their suggestions and objections.

O-05-06

AN ORDINANCE REPEALING ORDINANCE NO. 3171 ("THE ZONING ORDINANCE") AND ALL AMENDMENTS THERETO; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time, January 24, 2005, and amended, and a public hearing will be held Monday, February 28, 2005, at 7:05 p.m., was read a second time and held at the request of sponsor, Mayor Hays. Mr. Voyles presented a presentation regarding the proposal (see above).

O-05-07

AN ORDINANCE RESTRICTING INDUSTRIAL ACCESS THROUGH RESIDENTIALLY ZONED PROPERTY; AMENDING ORDINANCE NO. 3171; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times on January 24, 2005, amended, and held, was called and held at the request of the sponsor, Alderman Berry.

O-05-08

AN ORDINANCE AMENDING CHAPTER 90 OF THE NORTH LITTLE ROCK MUNICIPAL CODE BY REQUIRING PERSONS AND/OR ENTITIES TO REMOVE OR SECURE DOORS OR LATCHES OF HOUSEHOLD APPLIANCES PLACED OUT FOR COLLECTION; AND FOR OTHER PURPOSES, was read three times on January 24, 2005, was read and withdrawn by the sponsor, Mayor Hays and the council's attention was directed to item O-05-09.

NEW BUSINESS

R-05-18 (RESOLUTION NO. 6718 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN ENERGY ATTRIBUTES SALE AGREEMENT WITH GREEN MOUNTAIN ENERGY COMPANY; AND FOR OTHER PURPOSES, was read. Mayor Hays asked Mr. Joe Gertsch, North Little Rock Electric Department to come forward and explain the legislation. Mr. Gertsch advised there are states which place a premium on renewable energy generated by different resources such as Hydro power. Arkansas is not one of those states so credits are not available for North Little Rock to receive any cash value from the credits. Green Mountain Energy approached North Little Rock with regard to selling our renewable energy attributes. Green Mountain will market said attributes in states where the credit provision is recognized. The city could receive between \$80,000.00 and \$120,000.00 per year. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-19 (RESOLUTION NO. 6719 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY ATTORNEY'S OFFICE TO TAKE THE STEPS NECESSARY TO REGISTER THE CITY OF NORTH LITTLE ROCK'S LOGO; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Berry. Alderman Gipson asked for clarification of the logo. The logo in question would be the NLR/paddle wheel as represented on the front of the City Council Agenda. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was amended as follows:: *Section 1., add A COPY OF THE NORTH LITTLE ROCK (NLR) PADDLE WHEEL LOGO IS ATTACHED HERETO* (8/0). On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-05-20 (RESOLUTION NO. 6720 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO REIMBURSEMENT (\$158,779.19) AGREEMENTS WITH MCI WORLDCOM AND SPRING COMMUNICATIONS FOR RELOCATION OF THEIR FACILITIES IN EASEMENTS ON CERTAIN PROPERTY KNOWN AS THE UNION PACIFIC BERM PROPERTY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). Having voted in the affirmative on the previous motion, a motion to recall was made by Alderman Gipson due to language in the document and Exhibit "B". On the motion of Alderman Gipson which was seconded by Alderman Hight, and by consent of all members present, the resolution was recalled (8/0). On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was amended as follows:: *Section 1 delete ...near the Broadway Bridge* (8/0). Mayor Hays advised the fiber (optic) cables will have to be removed from the berm, the bridge will have to be removed, then the State Highway Department will raise Broadway to its original level. Alderman Witcher asked if the cable could be left in the berm and make it a grassy area. Either way, the fiber would have to be removed in order to level Broadway. Mayor Hays advised the recommendation of the consultants would be for different structures to placed on the area or create a flat plaza. The cable will be relocated along Broadway to the East side of Alltel Arena to Washington Avenue. Mr. Mike Smith, City Engineer said the line runs along the railroad right-of-way. On the motion of Alderman Gipson and seconded by Alderman Hight and by consent of all members present, Exhibit "B" was amended as follows:: *page 4 - first paragraph delete 4th AND, insert WASHINGTON AND, insert RAIL between Broadway and Bridge AND, paragraph 2 insert RAIL between Broadway and Bridge AND, paragraph 3 insert RAIL between Broadway and Bridge AND, paragraph 3 change Riverside to RIVERFRONT* (8/0). On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-05-21 (RESOLUTION NO. 6721 - MAYOR HAYS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A REVISED PULASKI AREA GEOGRAPHIC INFORMATION SYSTEM (PAGis) INTERLOCAL AGREEMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Gipson and seconded by Alderman Berry. Alderman Berry asked if the map would be updated as changes are made. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

R-05-22 (RESOLUTION NO. 6722 - MAYOR HAYS)

A RESOLUTION APPOINTING MARC FESTERVAND TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the personal information sheet was attached to the legislation (8/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted as amended (8/0).

R-05-23 (RESOLUTION NO. 6723 - MAYOR HAYS)

A RESOLUTION CONFIRMING THE APPOINTMENT OF JAY O. HARTMAN TO THE BOARD OF COMMISSIONERS OF CENTRAL ARKANSAS WATER; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-24 (RESOLUTION NO. 6724 - MAYOR HAYS)

A RESOLUTION REAPPOINTING GARY CLEMENTS, GEORGE MOBBS, ERICA SUSKIE, CURTIS SYKES AND MARGARET TENNER TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION, AND FOR OTHER

PURPOSES, was read. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-05-25

A RESOLUTION REAPPOINTING GREG YIELDING TO THE HISTORY COMMISSION; AND FOR OTHER PURPOSES, was called and held at the request of Alderman Gipson.

R-05-26 (RESOLUTION NO. 6725 - ALDERWOMAN ROBINSON AND ALDERMAN THOMAS)

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO ACCEPT THE LOW BID AND ENTER INTO A CONTRACT WITH CO-BAR CONTRACTING, INC., NORTH LITTLE ROCK, AR, FOR STREET, DRAINAGE AND SIDEWALK IMPROVEMENTS, RHODES STREET - ADKINSON STREET TO POE STREET, POE ADDITION, IN THE AMOUNT OF \$270,190.35, 30YEAR (2004) CDBG PROGRAM, was read. On the motion of Alderwoman Robinson and seconded by Alderman Thomas, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-05-09

AN ORDINANCE AMENDING CHAPTER 90 OF THE NLRMC BY REQUIRING PERSONS AND/OR ENTITIES TO REMOVE OR SECURE DOORS OR LATCHES OF HOUSEHOLD APPLIANCES PLACED OUT FOR COLLECTION; AND FOR OTHER PURPOSES, was read one time. Alderman Gipson asked about air conditioners in Section 1. The legislation was then withdrawn by the sponsor, Mayor Hays, to be refiled at a later date.

O-05-10 (ORDINANCE NO. 7689 - MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURCHASE OF TROLLEY CAR POLE LIGHTING AND ACCESSORIES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). On the motion of Alderman Hight and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-05-11

AN ORDINANCE AMENDING ORDINANCE NO. 6478, WHICH CREATED A CITY TREE BOARD, TO INCREASE THE NUMBER OF MEMBERS TO SEVEN (7); APPROPRIATING NEW MEMBERS TO THE BOARD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Mayor Hays.

PUBLIC COMMENTS-----

Alderwoman Robinson asked Mr. Tom Wadley, Interim Code Enforcement Director to provide an update on the status of a property located on Glenview Boulevard. Mr. Wadley advised it was a residential structure which burned. The owner put up a \$5,000.00 rehabilitation bond. The 45 day deadline ran out in December. The property owner advised he was having problems with his builder and anticipated litigation regarding the same. The builder contacted Mr. Wadley and advised he had received a second check from the insurance company and continued with the remodel. Alderwoman Robinson said a dumpster at the location is full of trash and has been there for over a month. Mayor Hays asked Mr. Wadley to contact the property owner and provide a progress report by written communication to the council by the next meeting, February 28, 2005. Acting City Attorney Andrea Woods said the owner has spent a substantial amount of money and suggested to Mr. Wadley to provide the owner with a reasonable time line. Alderwoman Robinson asked Mr. Wadley about enforcing the requirement to empty dumpsters. Alderman Berry asked Mr. Wadley about people using tarps to close in carports and other areas of their property. Alderman Hight asked Mr. Tim Marvin, Traffic Services Director about the traffic problem in the area of Highway 67/167 and the relocation of the exit ramp to the McCain Mall area. Traffic recently was backed up from Somers to Wildwood Avenue. Mr. Marvin advised when the frontage roads are made one-way, the problem should be alleviated. Mr. Jim Ard asked about the Indian Hills Lake. Alderman Witcher said the city drained the upper lake several years ago. At that time work on the lower lake was discussed. Mr. Bobby Taylor said he understood that the owners of a property located on Boyer (modular home) would be before the Planning Commission on March 8, 2005, and asked if it would come back before the City Council. Mr. (inaudible) Herbert Crouch lives at 705 Kierre. He understood there had been concerns regarding traffic at the intersection of Kierre and Cottage Court. The letter indicated parking may be restricted in the area of the intersection of 40'. His concern would be if the total restricted area is 80' as he and his neighbor both have three vehicles and their parking could be affected. Mayor Hays asked Mr. Marvin to visit with Mr. Crouch after the meeting regarding his concerns.

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderman Berry, and no one else wishing to be heard, the meeting adjourned at 8:45 p.m. (8/0), until the next regular meeting to be held on Monday, February 28, 2005, at seven o'clock p.m. in the City Council Chambers, City Hall, North Little Rock, Arkansas.

APPROVED:
MAYOR PATRICK HENRY HAYS

ATTEST:
DIANE WHITBEY, CITY CLERK